

**CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
JUNE 3, 2015**

The following items are discussed in these minutes:

PD21 SECTION 22-11-33 APPENDIX O – CONTINUED

SECTION 14-3-3 LIGHT POLE SIGN – RECOMMEND APPROVAL

PD-8 ZONE SECTION 22-11-20(K)(7) SETBACKS – RECOMMEND APPROVAL

REZONE COVE ESTATES TO PD-44 – RECOMMEND APPROVAL

REZONE LAND TO C2 ZONE – RECOMMEND APPROVAL

STUDY SESSION

PLACE – Orem City Main Conference Room

At 3:30 p.m. Chair Moulton called the Study Session to order.

Those present: Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdales, Planner; Sam Kelly, City Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; and Loriann Merritt, Minutes Secretary

Those excused: Becky Buxton, Carlos Iglesias, Michael Walker, Planning Commission members; Cliff Peterson, Private Development Engineer; David Spencer, City Council Liaison

The Commission and staff briefly reviewed agenda items and minutes from May 20, 2015 meeting and adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

PLACE - Orem City Council Chambers

At 4:30 p.m. Chair Moulton called the Planning Commission meeting to order and asked Lynnette Larsen, Planning Commission member, to offer the invocation.

Those present: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdales, Planner; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; and Loriann Merritt, Minutes Secretary

Those excused: Carlos Iglesias, Michael Walker, Planning Commission members; Sam Kelly, City Engineer; David Spencer, City Council Liaison

Chair Moulton introduced **AGENDA ITEM 3.1** as follows:

AGENDA ITEM 3.1 is a request by Keith Hansen to **AMEND SECTION 22-11-33 AND APPENDIX O PERTAINING TO DEVELOPMENT STANDARDS IN THE PD-21 ZONE** at 1200 South Geneva Road.

Staff Presentation: Mr. Stroud said the PD-21 zone was enacted in 2000 to create a mixed-use student-oriented development. The original concept plan of 6,000 students and multiple supporting commercial business has evolved into a less dense development consisting of apartments and limited commercial development. The requirement of student-only occupancy has also been removed. Instead of one owner as first envisioned, the PD-21 zone now encompasses seven property owners. The PD-21 zone is also split into two areas known as Area 1 and Area 2. The applicant requests that Area 2 be split to create Area 3.

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Area 1 is the existing Wolverine Crossing and Area 2 is the Burton property (Parkway Lofts) which received site plan approval in March 2015 with construction soon to start. The proposed Area 3 is the subject of this request.

The applicant proposes to develop a student housing complex (University Downs) catering toward single students and married students. A hotel and condominiums are also under consideration and part of the concept plan. The major changes requested are shown below with the height as a considerable change.

Building Height – Area 1 and Area 2 have a maximum building height of 86 feet or seven (7) stories, whichever is less, depending on location. The applicant proposes a maximum building height of 150 feet in Area 3.

The building height does pose a significant visual impact on the Parkway Lofts development to the north. However, development near transit stations is typically high density which is implemented by tall buildings. The proposed minimum density of Area 3 will be the same area as Area 2 which is 90 occupancy units per gross acre. The Area 3 concept plan shows a parking structure with a height of 91 feet. This structure will also house units on the top level on the north side. If the height change is approved, a building up to 150 feet high could conceivably be constructed, 15 feet from the north property line. The nearest Parkway Lofts building is approximately 75 from the property line of University Downs and 90 feet from the proposed parking structure.

Setbacks – Remove the requirement for any building over 20 feet high to be setback at least 20 feet from property line. This is to accommodate the parking structure/married units building. There is an addition of setbacks of 15 feet to the north and east side of Area 3.

Parking – Area 1 and Area 3 to be calculated at 0.65 stalls per occupancy unit. Area 2 is 0.62 parking stall per occupancy unit which was recently changed from the 0.65 stalls per occupancy unit standard in the PD-21 zone.

Architectural Materials – Addition of concrete or zinc metal panels with no more than 15% elevation coverage.

Signage – Two monument signs to be permitted along 1250 West.

A traffic study and utility demand study have not been completed at this time. These will be required at the time of site plan approval. The applicant did not want to pay for such a study until the text is changed to allow the development he desires. Once the text and concept plan is changed, the developer will have guidance based on what is permitted in order to perform accurate studies.

Recommendation: The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission amend Section 22-11-33 and Appendix “O” of the Orem City Code pertaining to development in the PD-21 zone at 1200 South Geneva Road.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Ms. Jeffreys asked which buildings have parking inside the structure. Mr. Stroud said buildings 2 and 4 will have enclosed parking. Chair Moulton asked about parking for the hotel. Mr. Stroud said the parking will be contained with the hotel. Ms. Larsen asked if parking structures are permitted. Mr. Stroud noted that the original design had parking structures and so it is permitted.

Ms. Jeffreys asked if there are only 257 units throughout all the buildings. Mr. Stroud noted there will be up to eight people per unit. There is also a hotel and the majority of one building is parking.

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Mr. Whetten asked about putting a monument sign along University Parkway. Mr. Stroud said a monument sign along University Parkway will not be visible because of the UDOT property. The signs will probably be along 1250 West.

Mr. Whetten asked if the parking has been analyzed for these proposed uses. Mr. Stroud said staff has not seen the details of the hotel, parking garage, etc. Development will need to match what is on the code. Mr. Whetten then asked if the code will accommodate hotel, married and singles all within the same complex. Mr. Stroud said there will be a few days in the year that it is crowded, but overall it will be fine. Mr. Whetten said he liked the height and the design, but it is important to make sure it can handle the traffic. Mr. Stroud indicated the parking structure will need to be built with the first phase.

Becky Buxton arrived 4:47 p.m.

Chair Moulton asked if UTA has any movement through the subdivision. Mr. Stroud said that UTA goes through Wolverine Crossing and so they discontinued the shuttle service.

Chair Moulton invited the applicant to come forward. Keith Hansen introduced himself.

Mr. Hansen said he is from Aerubia Architects and the owners are the Nelson Brothers. The Nelson Brothers are known for providing high quality student housing across the country. They specialize in student housing and are very accommodating with bedroom sizes and amenities. This is a big project, but necessary based on the targeted growth of Utah Valley University.

Chair Moulton said his concern is about the increase of the building height and the side effects that may result on traffic and water. He asked how many additional residents this will bring in. Mr. Hansen said the additional height is necessary to make it work with the cost of the property and location. Under the current ordinance they would be stuck with 6-7 levels and would lose 30% of the students. The traffic and water are items that will be addressed in the form of traffic studies and a hydronic and water model. The total impact will not be known until these are completed. The Nelson Brothers will probably propose a shuttle. They also have been in discussion with UDOT and are proposing to build stairs and walkways that will connect this project to the sidewalk across the bridge.

Ms. Larsen asked if the zinc metal panel will discolor over time. Mr. Hansen said the zinc panel is to provide texture. It is a living metal, and if has a scratch over time it will heal itself. It weathers down to a deep grey and will stay for years. There are roofs in France that are 150 years old and have not changed color. He added the Adobe building in Lehi has the zinc metal panels.

Mr. Whetten asked why the hotel is in the back corner and not along University Parkway. Mr. Hansen said the hotel will come at a later date; but the focus is on student housing. Ms. Jeffreys asked which building will be built first. Mr. Hansen said the parking structure will be built with the freshman tower on the east side.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Ben Lowe, Parkway Lofts, said he owns the neighboring property. This is a great project, but he has some concerns. They did not receive any notice for the neighborhood meeting. Since they were not able to attend any meeting, they submitted a GRAMA request for the details of the project. They did not get information until late last week. They are concerned about parking for the hotel, the heights and the change will increase the parking. He noted it is very bold to give 150-foot height in this zone, without knowing what the effect will be. He suggested the changes happen down the road as additional plans come along. Their biggest concerns are that the back of the parking garage is set right on the property line next to them. There are beautiful units on the front side and Parkway Lofts get the backside. The setback is removed from their property and they have moved the building right up to the line. There are concerns for cueing with cars coming onto 1250 West and parking stalls immediately upon entering the project, which could cause major backups on 1250 West. They would request an opportunity to sit down with the developer prior to

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approval. When they were designing their plans they tried to contact the Nelson Brothers, but there was no response. They expressed concerns to the architect, but in the end their concerns were ignored.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Chair Moulton said he would like to see a traffic study and water study sooner than later.

Ms. Larsen said the height is doubling and yet the developer talks about the density increasing by a third. There is going to be traffic issues, obviously. She supported the traffic study and the water/sewer study before the concept plan is considered.

Mr. Whetten said the accesses should not be gated. Mr. Stroud said the road to the north accesses the Burton property and there will be an access agreement allowing access. Mr. Bench added it is open, not gated.

Ms. Jeffreys asked if the setbacks to the north are too close. Mr. Stroud indicated there is a 15-foot setback to the structure property, with landscaping and row of parking on the Burton property. Mr. Earl said the architect indicated they are dressing up the back of the parking structure. Mr. Hansen said they are asking for the setback to be reduced from 15-feet to 20-feet to accommodate the size of the building. They are providing material to break up the concrete wall, however, they want the front of the structures to be the prettiest side of the building.

Ms. Jeffreys asked if there is a drive through situation in the building. Mr. Hansen said the parking garage is designed to drive through with parking on both sides. Mr. Stroud said the setback is currently 20-feet and they want to go to 15-feet. This will allow parking structures to go to 72-feet in height. Mr. Hansen said they are proposing 91-feet, which is around a 20-foot increase. Ms. Larsen asked if the building were not so high, would the parking structure be lowered. Mr. Hansen said that if the structure would be increased, the parking structure would have to be increased. The parking structure is designed for the occupancy units almost 1,000 beds, 160 hotel rooms and some miscellaneous uses. Ms. Larsen asked if the parking structure take into account all the stalls needed for the 150-foot level. Mr. Hansen said no. The student housing cannot go higher. The parking structure is for the student housing buildings. Mr. Whetten suggested that if the City Council limits the height than less than proposed, the whole project will probably need to be redesigned.

Mr. Whetten asked when the parking requirements were originally designed was it based on a four story building with surface parking. Mr. Goodrich said the original zone did have parking structures. The roads were designed and planned for the original concept zone. This is an amendment to that plan. If this plan increases the density by 30%, this can change the layout. Mr. Goodrich noted that Mr. Lowe's comment about what will happen when traffic stacks and overflows onto 1250 South is a valid concern. The access onto University Parkway does not have a signal and UDOT has stated there will never be a signal because of the close proximity to Geneva Road. There is concern about the stacking onto University Parkway and traffic turning into this development or left into the other development causing further backing up onto University Parkway. These issues need to be addressed before going too far into this development.

Mr. Goodrich continued by asking if a 30% density increase is going to cause 1000 South Geneva Road intersection, which only has one left turn lane, to be widened. He would like a detailed traffic impact study long before going to the City Council. Also because of the proposed height of the buildings, they need to have both a water and sewer model. It is important to know whether the City can service this type of building before any zone amendment is approved.

Mr. Whetten said in his experience he has found that there is always benefit with working with the neighbors.

Mr. Bench suggested continuing this item until the studies are completed.

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Mr. Hansen said the water and sewer model along with the traffic study will be completed in around three weeks. Mr. Earl suggested continuing this meeting until the first meeting in July.

Chair Moulton called for a motion on this item.

Planning Commission Action: Mr. Whetten moved to continue this item until July 1, 2015 Planning Commission meeting. Ms. Jeffreys seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.2** as follows:

AGENDA ITEM 3.2 is a request by Development Services to **AMEND SECTION 14-33 PERTAINING TO SIGNS ON CITY-OWNED LIGHT POLES** of the Orem City Sign Code.

Staff Presentation: Mr. Stroud said many City light poles along major roads are equipped with crossbars that allow for the placement of banner signs. The City has traditionally placed banner signs on these light poles to promote community events such as Summerfest and the Storytelling Festival. Under the City’s sign ordinance, these City-owned light poles are limited to City speech and are not open to the public for general use.

The City has recently received substantial financial contributions for the 2015 Summerfest from local businesses which will allow the City to create a better Summerfest experience for the entire community. The City would like to recognize these businesses as sponsors of Summerfest on some of the City light pole banner signs. This would involve hanging banner signs with the sponsors’ names on some of the light pole signs in addition to the traditional Summerfest banner signs.

In order to allow the City to recognize its Summerfest sponsors, the City proposes to amend the sign ordinance to allow off-premise advertising on City light pole signs. Under the current ordinance, off-premise advertising is generally prohibited unless specifically authorized by ordinance. The proposed amendment would create a very limited exception to the general prohibition of off-premise advertising and off-premise signs will likely only be used in connection with sponsorship of major community events such as Summerfest and the Storytelling Festival.

In this context, the City intends to include sponsor signs either interspersed with its traditional Summerfest (or Storytelling Festival) light pole signs or to include a sponsor logo as part of such signs. The City believes that the net effect will be the creation of an attractive signage display that will both enhance the Summerfest (and Storytelling) experience and create a visually appealing and festive atmosphere preceding and during such events. The type, nature, and frequency of off-premise advertising allowed on City light poles will be tightly controlled by the City to limit and prevent any negative aesthetic impact from such advertising.

The language of the proposed amendment is as follows:

14-3-3. Specific Regulations by Sign Type.

All signs shall comply with the following listed requirements.

....

Light Pole Signs (City-owned)

1. May only be located on a City-owned light pole.
2. Shall be attached to a crossbar extending from the light pole at the top of the sign.
3. Shall not exceed two feet in width and six feet in length and shall not exceed twelve (12) square feet in area.
4. Are intended to remain a private forum for the expression of City speech only. Nothing in this Chapter shall be construed to convert City-owned light poles into a public forum.
5. Do not require a permit.
6. No more than two signs may be located on any one light pole.
7. Off-premise signs are permitted on City-owned light poles.

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Advantages

- Allows the City to include limited off-premise advertising on City light poles to recognize sponsors of major community events such as Summerfest which provide a benefit to the community as a whole.
- The allowed off-premise advertising on City light poles will be tightly controlled by the City and off-premise signage will be used on a very limited basis.
- The limited off-premise advertising allowed will be controlled by the City to create a positive rather than a negative aesthetic impact.

Disadvantages

- None determined.

Recommendation: The Development Review Committee recommends the Planning Commission forward a positive recommendation to the City Council to amend Section 14-3-3 as described above.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Chair Moulton asked if the City would have control of where the signs are placed, design, etc. Mr. Stroud said the signs are on City property so the City will have control. Mr. Earl said the City will maintain complete control over what design is accepted. Ms. Larsen asked if the signs would go up each year. Mr. Bell said the signs for Summerfest go up just before it starts and then are taken down afterwards. Mr. Earl said the City has just done it for Summerfest and the Storytelling Festival. Ms. Larsen asked if the sponsor would have to donate each year to be included or just donate once. Mr. Earl said it is up to the City administration. Mr. Bell said the sponsor will have to donate to get on the signs.

Ms. Larsen asked for the location of the light pole signs other than Center Street and 800 North. Mr. Earl said they are on University Parkway, also. Mr. Stroud said all the major arterials have the ability to hang these pole signs.

Ms. Buxton asked why it was prohibited in the first place. Mr. Stroud said that currently the off-premise sign is prohibited except for billboards and the PD-34 zone (The Mall). Mr. Earl said the general prohibition on off-premise signage is mainly to discourage the proliferation of signs. If anybody and everybody can have off-premise advertising, there is an economic incentive to have a lot more signs. The City wants to severely limit the situation where off-premise signage is allowed.

Ms. Buxton then asked why the City has not wanted advertising on City signs in the past. Mr. Earl said the City has not needed, wanted to, had the opportunity or seen the necessity of it. Recently there has been some significant sponsors for Summerfest and the intention is to allow them be recognized. This will result in a better Summerfest and will benefit the community as a whole. Mr. Bell said that Summerfest is close to being fully funded by donations.

Ms. Larsen asked if there was a minimum amount that needs to be donated to get on a sign. Mr. Bell said it has to be a substantial donation.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Mr. Whetten said he loves the idea of supporting the sponsors; however, he is concerned that it could turn into a “renting a sign” feel and becomes a business. He suggested imposing a limitation on no more than half of any particular sign can be taken by the sponsor. The sign should still be an Orem City sign. Mr. Earl said he talked with the City Manager earlier and suggested limiting the size of the sponsor’s name should not be no more than 20% off the off-premise sign. He suggested adding that language to the code.

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Ms. Buxton said she supports this change. She wondered what the current percentage is. Mr. Earl said it is 15%. Ms. Larsen said they would not have their own sign; it would be part of the City sign.

Mr. Earl said the Planning Commission expressed concern about it turning into a profit generator; he noted that the City has an interest in preserving the aesthetics of the community. They will not put up a bunch of signs that do not look good or have too many. The City, as the author of the signs, is different than a private party. A private party only cares about the economics they can get from their own sign, not the effect on the City as a whole. Mr. Whetten said he just did not want to go down the street and see only Vivint signs. The Commission only wants the sponsor on a portion of the sign. Ms. Jeffreys said the signs are only up for a short period of time.

Mr. Whetten asked if 20% of the sign enough space. Mr. Earl said this year it is 15% and going to 20% will still leave a lot of the sign for Orem City. Mr. Earl asked that to be included in the motion and he will add the language for the City Council.

Chair Moulton called for a motion on this item.

Planning Commission Action: Mr. Whetten said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to recommend the City Council amend Section 14-3-3 of the Orem City Sign Code as it pertains to signs on City-owned light poles with the additional language that only 20% of the sign will be off-premise. Ms. Buxton seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.3** as follows:

AGENDA ITEM 3.3 is a request by Curtis Miner to **AMEND SECTION 22-11-20(K)(7) PERTAINING TO SETBACK REQUIREMENTS IN THE PD-8 ZONE** at 800 North Palisade Drive of the Orem City Code.

Staff Presentation: Mr. Spencer said the applicant recently made application for a new subdivision on the property. The property lines of the proposed subdivision did not meet the current ordinance requirements of the PD-8 zone for setbacks from property lines, which is currently a minimum of twenty-five (25) feet, or the height of the building. The applicant is requesting the amendment in order to have their subdivision approved. The proposed amendment will allow buildings to go up to the property lines on interior property boundaries, but still maintains the twenty-five (25) foot setback from properties that are not part of the PD-8 zone.

Advantages of the proposal:

- Allows property to be developed as desired by the applicant and property owner
- Affects only interior lot setbacks

Disadvantages of the proposal:

- None identified

Recommendation: Based on the advantages outlined above staff recommends the Planning Commission forward a positive recommendation to the City Council to amend Article 22-11-20(K)(7) as it pertains to the setback requirements in the PD-8 zone at 800 North Palisade Drive.

22-11-(K)(7)

7. Setbacks. No structure shall be located closer than forty feet (40') to any dedicated street. The setback distance from any structure and an exterior property line (a property line shared with property outside the PD-8 zone) other than a line of a dedicated street shall be the same as the height of the structure, but shall not be less than twenty-five feet (25'). No setback is required from any interior property line in the PD-8 zone.

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Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Chair Moulton asked if there will be any easements with the interior property lines. Mr. Spencer indicated that will be handled with the site plan, a building cannot cross the easement.

Ms. Larsen asked if this is sold to someone else there may be issues with access into the lot. Mr. Spencer said the access for the lot will go through the parking lot onto Palisades Drive. Ms. Larsen then asked if the access is an agreement with the property owner or the City. Mr. Spencer said it will be recorded on the plat and will be maintained no matter who is the owner.

Chair Moulton invited the applicant to come forward. Curtis Miner introduced himself.

Mr. Miner said the owner needs to split this for taxing purposes in order to build the building. During the subdivision process they realized that the regulations of the PD-8 zone would control the placement of the building which would require a 50-foot gap in the middle of the property. The property owner is the same for both lots and that there will be a cross-easement and cross-parking agreements recorded.

Ms. Larsen asked if the stipulations allowed in the PD-8 zone would they apply to both lots separately or to each lot individually. Mr. Spencer said the allowed number of beds will apply to the whole zone, even if there are many parcels, they could only have the allowed number of beds. Ms. Larsen asked if the owner would be able to put in more lots on the south portion of the building. Mr. Spencer said there is that potential, by going through the City process. Mr. Miner said the zero lot lines only on contiguous PD-8's not on the perimeter of the property. There is no threat to the neighbors of a building right on the property line. Ms. Larsen asked what the reason for subdividing is, does he not want to have to have one big lot. Mr. Miner said a number of years ago there was a development agreement between the property owner and Orem City. During that process there were a number of improvements that were listed that could be done. The original concept was to add the sleeping rooms on the south side of the facility. The building has room for a second sound stage with color block. One of the ideas they are thinking about moving the sleeping rooms from the south to the north. They are trying to work the property to be more advantageous to the both the property owner and the surrounding neighborhoods within the original development agreement. Ms. Larsen asked if the intention is to increase the bed count. Mr. Miner said they want to stay close to the agreement. Under any scenario more space is required to increase the bed count to 200. It is possible to add onto the building, but it is not the best design solution.

Ms. Jeffreys asked what the current bed count is. Mr. Miner said it is significantly less than 200. He guessed it is around 80 beds. Ms. Larsen asked if there is currently enough parking for the 200. Mr. Spencer said that will be handled at site plan. Mr. Miner said the original traffic study they were well below the number of required. This building was a motion picture sound studio with a studio audience. There are nearly 300 parking stalls on the site. Ms. Larsen asked if the parking for the additional building can be contained in the subdivision or within the whole PD-8. Mr. Spencer said they will provide cross access easements for parking. Mr. Earl said the principle use of this facility is a transitional treatment facility. Under the parking ordinance it is one stall for every 2.5 beds in the facility. If there is a total of 200 beds, that is 80-85 parking stalls required. Ms. Larsen said there is plenty of parking and it can cross over the entire PD-8 zone. Mr. Earl said it would have to be on the lot unless there is a cross access agreement.

Mr. Whetten asked about the building on Lot 2. Mr. Miner said it will be a freestanding building that will provide additional beds. It will be an L-shaped building and it will take out one stall on the west side of the project. Ms. Jeffreys said it would be next to the current building. Mr. Earl said that any new building will have to be 25-feet from the adjoining residential property or a distance equal to the height of the building.

Ms. Jeffreys asked if the kitchen facilities will be located in the new building. Mr. Miner noted that this is in concept and this is more for site plan. He said the concept is it would not have a centralized kitchen and dining area. There is a centralized kitchen the main building. There may be some cooking facilities within some of the individual units.

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Mr. Whetten said he is fine with the zero lot line. This does not change what can be done in the zone. He wondered if the parking and height requirements should be tightened up. Mr. Spencer said the height requirements refer back to the BP zone, which is 48 feet. Mr. Earl said the parking refers back to the principle use. For transitional treatment it is 2.5 beds per stall.

Ms. Larsen asked if the helicopter will be maintained. Mr. Miner said this will not affect the helicopter.

Chair Moulton asked if there is any problem if this is sold off. Mr. Bench said the plat has the cross-access and parking easements. This is not any different than a lot of shopping centers in the City. The plat will have the restrictions recorded on the plat and the future buyer will be aware. Mr. Earl said that buildings built on property line will have additional requirements that will be required to meet fire/building code. Mr. Bench said the questions with setbacks, heights, parking, etc. will be handled at the site plan stage. This is simply a subdivision that will have two lots. Mr. Earl said it is common to have zero lot lines in a commercial zone. Mr. Bench said the C2 zone on State Street does not have a separation between property lines, when adjacent to other commercial properties.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Marco Davis, Orem, said when Cirque Lodge was built, it seemed like it was done in the dark of night and so whenever the neighbors hear about changes they are skeptical. He is wary about the tax benefits of having two properties instead of one. He noted that Ms. Larsen covered a lot of his questions. He is concerned that this could be done all around the entire lot.

Mr. Earl reiterated that the 200 bed limit applies to the entire zone, no matter how many lots.

David Johnston, Orem, said he appreciates that the property owner built a masonry fence on the south end of the property. He is grateful that he is putting this building on the north side of the property. His concern is that the current building is large enough to accommodate 200 beds; not sure why another structure is necessary.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Mr. Miner said the reason for the property split is a tax thing. As different projects are developed, people will hold those properties in different legal entities. This is simply a situation where the owner is trying to create a separate legal entity to hold the building and it requires the underlying ground be independent from the original building. The uses in the existing building take up the entire building. It is not all beds only 20-30% is actual bedrooms. The interior space is not well suited to be all bedrooms. It would better serve the clients by creating a separate facility for the beds.

Ms. Larsen said that no structure can be located closer than 40 feet from a dedicated street and it has to be 25 feet or more from all surrounding residential. Mr. Spencer said that anything on the exterior will have to be setback 25 feet. Ms. Larsen said that no matter how many buildings he wants to build he cannot have more than 200 beds in the entire zone. Mr. Spencer said the owner could request an amendment, which would have to go through the City Council process for amendment.

Mr. Earl indicated he has actually had the opportunity to walk through the building. It is an older building and it is not designed to be a residential quarters. It is not surprising that it cannot accommodate that many beds in this facility.

Chair Moulton called for a motion on this item.

Planning Commission Action: Ms. Jeffreys said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to recommend the City Council amend Article 22-11-20(K)(7) as it pertains to the setback requirements in the PD-8 zone at 800 North

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Palisade Drive. Ms. Buxton seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 4.1** as follows:

AGENDA ITEM 4.1 is a request by George Bills to **AMEND SECTION 22-5-1 AND ENACT SECTION 22-11-57, PD-44 ZONE, AND AMEND ARTICLE 22-5-3(A) AND THE ZONING MAP OF OREM CITY BY ZONING THE PROPERTY GENERALLY AT 1450 EAST 1060 NORTH FROM THE R12 ZONE TO THE PD-44 ZONE.**

Staff Presentation: Mr. Spencer said the property proposed for rezone is currently part of the Cove Estates



Subdivision and consists of seven (7) single family homes. The property owner located at 1434 East 1460 North desires to construct a covered tennis court on their property, but is unable to do so under the current zoning (R12). According to city code, the applicant is only able to build accessory structures with square footages no greater than eight (8) percent of their current property. Based on the square footage of the applicants lot (57,500 square feet) the current maximum size of accessory structure would be 4,600 square feet.

The applicant is proposing a PD zone that will allow them to construct an accessory structure that covers up to twenty-five (25) percent of their property in the PD-44 zone for lots that exceed one (1) acre in size. Currently only one lot in the proposed PD-44 zone exceeds one (1) acre. The applicant is proposing to construct a covered 10,150 square foot tennis court on a lot with 1.32 acres (57,500 square feet). Under the proposed ordinance the maximum footprint of the accessory structure could be 14,375. The height of the accessory structure would be limited to thirty-five (35) feet and is proposed to be thirty-three (33) feet. A conditional use permit is required for all accessory structures with footprints larger than 12,000 square feet.

In Section 22-11-1 of the PD Zone code it states that, “PD zones are not intended for use in situations where a proposed development is reasonably feasible under one of the City’s existing zoning classifications.” While this request is unique, the overall property may still be developed in a reasonable manner. The proposed rezone will be heard by the City Council on Tuesday, June 23, 2015.

General Plan: The current General Plan designation for this property is Low Density Residential. The request maintains the intent of the general plan by requiring larger lots within the PD-44 zone.

Neighborhood Meeting: A neighborhood meeting for the proposed rezone was held on April 23, 2015. Two neighbors were in attendance and four others called the applicant about the meeting. No issues were mentioned.

After reviewing the proposed rezone and ordinance amendment, staff has listed some advantages and disadvantages in respect to the proposal.

Advantages of the proposal:

- The proposal allows the owners within the PD-44 zone to construct an accessory structure up to 25% of the total lot coverage
- Limits large accessory structures to lots greater than one (1) acre.

Disadvantages of the proposal:

- Should not be using PD’s to make small adjustments to current residential zones.

Recommendation: Based on the advantages outlined above staff recommends the Planning Commission forward a positive recommendation to the City Council regarding the request to amend Section 22-5-1, and enact Section 22-11-57, PD-44 zone, and amend Article 22-5-3(A) and the zoning map of Orem City by zoning property located generally at 1450 East 1060 North from the R12 zone to the PD-44 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

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Chair Moulton asked if there is anything that controls the look at the building so it is substantially similar. Mr. Spencer said the residential zone has a stipulation for structures larger 500 square feet it does need to tie into the residential finishing elements of the neighborhood.

Chair Moulton invited the applicants to come forward. Dave Gardner and Steve Peterson introduced themselves.

Mr. Gardner said the property owner has convinced the surrounding neighbors to join him in this rezone. The building will look like the surrounding homes.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Leahmary Pead asked if this will be private or open to the public, via public lessons. Mr. Peterson said it will be for personal use only. He noted he built the original home and this will look identical to the existing home.

Mr. Whetten asked staff to confirm private lessons are not allowed. Mr. Earl said there is nothing that would prohibit that in the code. It is just like piano lessons at the home, if they wanted to have tennis lessons at the home they could, they would just have to meet the home occupations requirements. Mr. Bench said they would be limited two students per hour.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Ms. Larsen noted they cannot live in these structures. Mr. Spencer said they are calling this an accessory building.

Mr. Whetten asked if there have been any complaints from any neighbors. Mr. Spencer said he had not received any phone calls or email, etc. and over 100 notices were sent out within 500 feet of the property.

Ms. Larsen said she likes that it looks like a building not a bubble over the tennis court. Mr. Spencer said the ordinance does address that if someone wanted to do a bubble in the future, they would need a conditional use permit.

Ms. Buxton said there are living quarters within the building. Mr. Peterson indicated there is a lounge area with a bathroom. There will not be any living quarters with a bed.

Planning Commission Action: Chair Moulton said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to recommend the City Council amend Section 22-5-1 and enact 22-11-57 and Appendix MM, PD-44 zone, and amend Article 22-5-3(A) and the zoning map of Orem City by zoning property located generally at 1450 East 1060 North from the R12 Zone to the PD-44 zone. Mr. Whetten seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 4.2** as follows:

AGENDA ITEM 4.2 is a request by Rimrock Construction to **AMEND THE GENERAL PLAN BY CHANGING THE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL, AMENDING SECTION 22-5-3(A) AND THE ZONING MAP OF OREM CITY BY CHANGING THE ZONE FROM R8-ASH TO C2 GENERALLY AT 1890 NORTH 800 WEST** in the Orem City Code.

Staff Presentation: Mr. Spencer said the property proposed is located directly south of the IHC Instacare building. In 2008 the Planning Commission approved an assisted living facility and commercial building on the property, but the project was never developed. Other applications have been proposed on the

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property including Northtown Village (similar to Midtown Village) in 2005, and a high density housing project that was denied rezone in 2012. Currently, the land is vacant.

The applicant is proposing to construct a new assisted living facility with 100 units. The development also proposes two (2) vacant commercial pads for future development along State Street. The proposed rezone and General Plan amendments will provide the applicant with the area necessary to construct their building as well as provide a full access to 800 West from their site. The C2 zone allows for this use as well as many other commercial uses.

If the rezone and General Plan land use changes are approved the applicant will then go through site plan approval before constructing their building(s), which requires Planning Commission approval. The proposed rezone and General Plan amendment will be heard by the City Council on Tuesday, June 23, 2015. No official application has been made for the site plan.

Traffic: A traffic impact study has been required for this development. The applicant is proposing two accesses onto State Street which will line up with accesses on the opposite side of the road in the Kneaders Subdivision, as well as provide an emergency access onto 760 West and a full access to 800 West to the west of the proposed building. By providing these accesses the traffic needs of the development for the assisted living facility as well as the future development of the commercial pads will be satisfied. Also, a sidewalk connection will be provided from 800 West to the proposed assisted living facility.

General Plan: The current General Plan designation for this portion of property is Low Density Residential, and is proposed to change to Community Commercial. The proposed use of an assisted living facility meets the requirements of the General Plan which states that the CC classification satisfies the needs of a community or group of neighbors.

Neighborhood Meeting: A neighborhood meeting for the proposed rezone was held on May 8, 2015. Five neighbors were in attendance. The concerns regarding the project dealt with access, building height, number of units, fencing, traffic and setbacks from the residential neighborhood. Residents in attendance were satisfied with the access on 800 West from the proposed project.

After reviewing the proposed rezone and ordinance amendment, staff has listed some advantages and disadvantages in respect to the proposal.

Advantages of the proposal:

- The property is directly adjacent to the C2 zone and it makes sense to incorporate the property into the commercial (C2) zone;
- Allows for the development of a long standing vacant property along State Street;
- Increases the amount of services available to Orem residents;
- Provides an additional access with a vehicular and pedestrian access to 800 West

Disadvantages of the proposal:

- The proposed project will increase commercial access and traffic onto 800 West.

Recommendation: Based on the advantages outlined above staff recommends the Planning Commission forward a positive recommendation to the City Council regarding the request to amend the General Plan by changing the land use designation from Low Density Residential (LDR) to Community Commercial (CC) and amending Article 22-5-3(A) of the Orem City Code and the zoning map of Orem City by changing the zone from R8-ASH to C2 on approximately 0.93 acres located generally at 1890 North 800 West.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Ms. Larsen asked if there will be a lot of cross access from 800 West to State Street. She asked if 800 West will be a right in/right out. Mr. Spencer said it is easy to get from one side to another. There will be pedestrian access from 800 West to State Street.

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Chair Moulton invited the applicant to come forward. Mark Hampton introduced himself.

Chair Moulton asked if the future commercial lots will the lots be maintained until they are developed. Mr. Hampton said they do not own the commercial lots. They will probably be medical uses, which usually build around their buildings.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Larry Lires, Orem, said this was approved for assisted living. He did not object to the assisted living, but did object was the commercial street going onto 800 West. This is a residential area and the traffic on that street is used as a shortcut by people to the north to get to the freeway. The traffic now is heavy and recently there were 11 new homes that were added that dump onto 800 West. An additional three pieces of property will eventually have homes built on them. There are many types of vehicles that use 800 West as a shortcut, like 18-wheelers, car haulers, huge delivery trucks. They come down the street at 40-60 miles per hour currently. Traffic is really heavy already. They do not need commercial traffic dumped onto 800 West.

When Chair Moulton asked about the speed issue, Mr. Goodrich said the police department could spend some time in the area. He noted that 800 West is wider and designed as a collector road and can handle more traffic. 750 West is smaller and not designed to be a collector street and carry traffic, but 800 West is different. This development is similar to the development along Center Street and 1200 West that needed a connection to the neighborhood.

Ms. Buxton said she is someone who is always looking for shortcuts; however this is not a shortcut. People will not realize that this goes through and the speed will be slow through the area. Assisted living facilities do not generate lots of traffic; they are ½ trips per room per day. Mr. Goodrich said they are a low traffic generator compared to other commercial uses.

Leahmary Pead, Orem, suggested moving the access to the north connecting with 2000 North. Mr. Goodrich said the property owner owns the property on 800 West. If they go through the IHC property it would be a longer access and costly. This has a lower traffic use than a regular commercial development.

Craig Whitehead, Orem, said there are a lot of children that cross 800 West to get access to the school. If the traffic is controlled it may be better. The posted speed is 25 mph, but not many people obey that.

Stacy Dallin, Orem, said she does not support the assisted living. This is a residential area and she wants it to stay residential. She wants this to be placed in a commercial zone it can fit in. The Planning Commission and staff are not affected by the traffic, but the neighbors are. She is more for restoring than repurposing. She does not like flag lots. The connecting road is up against the neighbor's property and there is not enough room.

Elaine Lires, Orem, noted the speed along 800 West is 25 mph. Mr. Goodrich said the street is designed to be faster, even though it is posted slower. Ms. Lires said it was decided to not use this street when this came before the City earlier. She supported Ms. Pead's idea and supported her husband, Mr. Lire's assertion that there is a lot of traffic, which goes fast.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Mr. Whetten said 760 West stubs into this property and without changing anything it could be used. He noted that the tie into 800 West would be a better choice to handle the traffic, as opposed to dumping C2 traffic onto 760 West. The connections to State Street are oddly placed. Mr. Bell said the accesses are offset by accesses to the east. Mr. Spencer said there will be a gated emergency access off of 760 West.

Ms. Jeffreys said the majority of the property is already C2 and any residential development will abut the C2 zone.

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Chair Moulton asked if there is any requirement for a masonry wall. Mr. Spencer said that anything that is adjacent to residential there will be a seven foot masonry wall.

Ms. Lires said there are different levels of traffic control. She said there was sign that let the driver know their speed. Mr. Goodrich said that unit lets drivers know the speed they are going. Ms. Lires asked where they could complain about the speed of the road. Mr. Goodrich said he could talk to the Police traffic department, letting them know the times of day the traffic is the worst.

Ms. Lires then asked if the home will still be residential. Mr. Goodrich said the house would still be residential. The access that is proposed on the north end alone would be commercial. Ms. Lires asked if the house will become commercial. Mr. Goodrich said the owner would have to come through the City process to make that change.

Derek left at 6:49 p.m.

Ms. Jeffreys asked if there was a traffic calming device at 1920 North. Mr. Goodrich said the triangle in the road is a choker is designed to make the street feel narrower where the school crosswalk is.

Ms. Dallin said the access is narrow. Mr. Goodrich said it is not as wide as the other streets; it is a narrow access connection with a five-foot sidewalk on the north side. The home on the north side has a one foot separation between the property line, a five foot sidewalk, two foot curb and gutter and the narrow access which is around 20 foot access.

Ms. Pead asked if there will be a seven foot masonry wall along the driveway. Mr. Spencer said there is a clear vision area and the fence will need to be a three foot wall and as it goes back it will need to step back to a higher wall. Mr. Earl said the owner could request a fence modification for that wall.

Ms. Pead asked if the City will allow speed bumps. Mr. Earl said the City does not support speed bumps. Mr. Whitehead asked for a flashing school crossing sign. Mr. Goodrich noted that there are specific rules for installing flashing signs.

Ms. Dallin said this is essentially a commercial lot being approved as a flag lot because it is in someone's backyard. Mr. Earl said this is a C2 zone commercial use that generates less traffic than most commercial uses. Ms. Buxton said the biggest chunk is already commercial and the land owner is willing to sell portions of their lot.

Mr. Bench said the Planning Commission is a recommending body and this item will go before the City Council on June 23, 2015.

Chair Moulton called for a motion on this item.

Planning Commission Action: Ms. Larsen said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to recommend the City Council amend the General Plan by changing the Land Use designation from Low Density Residential to Community Commercial, amending Section 22-5-3(A) and the zoning map of Orem City by changing the zone from R8-ASH to C2 generally at 1890 North 800 West. Ms. Jeffreys seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

MINUTES: The Planning Commission reviewed the minutes from the previous meeting. Chair Moulton then called for a motion to approve the minutes of May 20, 2015. Ms. Larsen moved to approve the meeting minutes for May 20, 2015 as corrected. Chair Moulton seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

ADJOURN: Chair Moulton moved to adjourn. Ms. Buxton seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

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Adjourn: 7:07 p.m.

Jason Bench
Planning Commission Secretary

Approved: June 17, 2015